

**REMARKS**

Claims 1, 3-9, 10-17, 19 and 20 are pending in this Application. Claims 1 and 19 are independent claims. By this Amendment, claims 2, 10 and 18 are cancelled without prejudice or disclaimer. Claims 1, 17 and 19 are amended. As the claims are amended only to recite the previously searched and considered features of cancelled claims 2 and 10, no new matter is added.

**Drawing Objections**

The drawings are also objected to for failing to show “the mechanical interlock.” As the feature is deleted from the claims, withdrawal of the objections is respectfully requested.

**Specification Objection**

It is indicated in the Office Action that the substitute specification filed on June 10, 2008 has not been entered because “a monitoring device 12” is not shown in the drawings. A substitute specification was not filed on June 10, 2008. Rather, paragraph [0027] was amended. Further, as paragraph [0027] is again being submitted to for amendment to recite a “monitoring device 10,” entry of the amendment to paragraph [0027] is respectfully requested.

**Rejections under 35 U.S.C. §112**

Claim 1 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, it is alleged that the specification does not describe the mechanical interlock in such a way to enable one skilled in the art to make and/or use the

invention. As the feature of the mechanical interlock is deleted from the claims, withdrawal of the rejection is respectfully requested.

Claim 1 is also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to distinctly claim the subject matter which the Applicant regards as the invention. Specifically, it is indicated that the Examiner indicates does not understood what is meant by a “mechanical interlock between the disconnection device and the terminals that allows removal of the protective device from the appliance only when the disconnection device is in an open state.” As the feature of the mechanical interlock is deleted from the claims, withdrawal of the rejection is respectfully requested.

**Rejections under 35 U.S.C. §102**

Claims 1-3, 5-11, 13-15, 17, 19 and 20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2003/0119382 to Narusevicius, et al. (Narusevicius). Applicants respectfully traverse this rejection for the reasons detailed below.

Narusecius relates to an apparatus for controlling medium voltage electrical equipment, such as motors, transformers, reactors and capacitors. In Narusecius discloses a voltage motor controller 102 includes a three-phase bus 202 that connects a disconnect switch 204, which is connected to a set of fuses 206A-C. A contactor 210 is connected to fuses 206A-C and a load 220 through draw-out stabs and connectors 208 and 212. Between the stabs and the connectors 212 and the load 220 are a load discharge device 214 and current transformers 218 (paragraph [0056]; Fig. 2). The fuses 206 may be housed in a fuse holder 1908, 2012 (Figs. 19, 20) that is removable from the motor controller.

It is alleged in the Office Action that the fuses 206 correspond to the claimed “protective device.” It is further alleged that the fuses 206 include an electromechanical switching device

214. Applicants respectfully submit that the fuses 206, as shown in Fig. 2 for example, do not include the load discharge device 214. Rather the components are separate elements of the controller 102 and are in fact separated by the contactor 210.

Moreover, the load discharge device 214 is merely an electromechanical switching device and not a semiconductor motor controller or a semiconductor contactor as recited in the amended claims. Thus, Narusecius fails to disclose the features as alleged in the Office Action.

Accordingly, withdrawal of the rejection is respectfully requested.

### **Rejections under 35 U.S.C. §103**

Claims 4 and 18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Narusevicius in view of U.S. Patent 6,710,698 to Jehlicka. Claim 12 stands rejected under 35 U.S.C. §103(a) as unpatentable over Narusevicius in view of U.S. Patent No. 4,317,076 to Price. As claim 18 is cancelled, the rejection of that claim is moot. Applicants respectfully traverse the rejection of claims 4 and 12 for the reasons detailed below.

Claims 4 and 12 are allowable for their dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

Claims 1-3, 5-11, 13, 16, 17, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,108,206 to Criniti in view of U.S. Patent 5,969,587 to Combas. Applicants respectfully traverse these rejections for the reasons detailed below.

Criniti relates to motor controller 10 that includes semiconductor switches (thyristors) 15 and circuit breakers/fuses 22 between the power system 9 and on/off switches 18 (Fig. 1 of Criniti).

It is alleged in the Office Action that the protection enclosure 21 holding the circuit breakers/fuses 22 corresponds to the claimed “protective device.” It is further alleged that the

protective device is an electromechanical switching device 8. Although Criniti does not appear to disclose an element relating to a reference character 8, it appears that the Examiner intends to point out that the circuit breaker or fuse (i.e., the alleged protective device) is an electromechanical switching device. Thus, Criniti fails to disclose or suggest that the circuit breakers/fuses 22 are at least one of a semiconductor motor controller and a semiconductor contactor.

It is also admitted in the Office Action that Criniti fails to disclose a “disconnection device” as recited in the rejected claims. In an effort to overcome the admitted deficiency, Combas is combined for allegedly disclosing the feature deficient in Criniti. Combas discloses a sliding actuator lever 114 that holds a fuse 116 for insertion into an auxiliary switch 110. Thus, a protective device that is in the form of at least one of a semiconductor motor controller and a semiconductor contactor.” Therefore, withdrawal of the rejection is respectfully requested.

Claims 4 and 18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Criniti and Combas in view of Jehlicka. Claim 12 stands rejected under 35 U.S.C. §103(a) as unpatentable over Criniti and Combas in view of Price. Claims 14 and 15 are rejected under Applicants 35 U.S.C. §103(a) as unpatentable over Criniti and Combas in view of U.S. Patent Application Publication 2002/0093774 to Chung. As claim 18 is cancelled, the rejection of that claim is moot. The rejection of claims 4, 12, 14 and 15 is respectfully traversed.

Claims 4, 12, 14 and 15 are allowable for their dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the

present application is earnestly solicited.

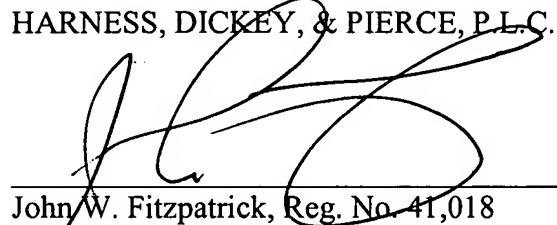
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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